

**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:21-cr-00110-JEG-HCA All
Defendants
*Internal Use Only***

Case title: USA v. Scanlan

Magistrate judge case number: 4:21-mj-00392-SHL

Date Filed: 07/19/2021

Date Terminated: 03/10/2022

Assigned to: Senior Judge James E.
Gritzner
Referred to: Chief Magistrate Judge
Helen C. Adams

Defendant (1)

Andrew Scott Scanlan
TERMINATED: 03/10/2022

represented by **Andrew James Graeve**
FEDERAL PUBLIC DEFENDERS OFFICE
400 LOCUST STREET
SUITE 340
DES MOINES, IA 50309-2353
515-309-9610
Fax: 515-309-9625
Email: andrew_graeve@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Melanie S. Keiper
FEDERAL PUBLIC DEFENDERS OFFICE
400 LOCUST STREET
SUITE 340
DES MOINES, IA 50309-2353
515-309-9610
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Email: melanie_keiper@fd.org
TERMINATED: 07/19/2021
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

Disposition

SEXUAL EXPLOITATION OF
CHILDREN 18:2251(a), 2251(e)
Production of Child Pornography
(2s–3s)

PENALTIES FOR REGISTERED SEX
OFFENDERS 18:2260A Offense by a
Registered Sex Offender
(6s)

Highest Offense Level (Opening)

Felony

Terminated Counts

SELLING OR BUYING OF
CHILDREN 18:2251(a), 2251(e)
Production of Child Pornography
(1–3)

SEXUAL EXPLOITATION OF
CHILDREN 18:2251(a), 2251(e)
Production of Child Pornography
(1s)

ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING
CHILD PORNO 18:2252A(a)(1),
2252A(b)(1) Transportation of Child
Pornography
(4)

ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING
CHILD PORNO 18:2252A(a)(1),
2252A(b)(1) Transportation of Child
Pornography
(4s)

ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING
CHILD PORNO 18:2252A(a)(5)(B),
2252A(b)(2) Possession of Child
Pornography
(5)

360–month terms of imprisonment as to each
Counts 2s and 3s, to be served consecutively to
each other and consecutively to the term of
imprisonment imposed on Count 6; 10–year
terms of Supervised Release as to each Counts
2s and 3s, to be served concurrently to each
other and concurrently to the term of
Supervised Release imposed on Count 6s; \$100
special assessment as to each Counts 2s and 3s

120–month term of imprisonment to be served
consecutively to the terms of imprisonment
imposed on Count 2s and 3s; 3–year term of
Supervised Release to be served concurrently
to the terms of Supervised Release imposed on
Counts 2s and 3s; \$100 special assessment

Disposition

Superseded

Dismissed on Government's motion

Superseded

Dismissed on Government's motion

Superseded

Dismissed on Government's motion

ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING
CHILD PORNO 18:2252A(a)(5)(B),
2252A(b)(2) Possession of Child
Pornography
(5s)

Highest Offense Level (Terminated)

Felony

Complaints

18:2251(a) Sexual Exploitation of
Children/Production of Child
Pornography, 18:2252(a)(4)(B)
Possession of Child Pornography

Disposition

Plaintiff

USA

represented by **Adam J. Kerndt**
UNITED STATES ATTORNEY'S
OFFICE – DSM
110 E COURT AVE
SUITE 286
DES MOINES, IA 50309
515-473-9300
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government – Federal

Craig P. Gaumer
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ATTORNEY TO BE NOTICED
Designation: Government – Federal

Date Filed	#	Page	Docket Text
06/29/2021			Judge update in case as to Andrew Scott Scanlan. Magistrate Judge Stephen H. Locher added. (pll) [4:21-mj-00392-SHL] (Entered: 06/29/2021)
06/29/2021	<u>1</u>		COMPLAINT by USA, signed by Chief Magistrate Judge Helen C. Adams as

		to Andrew Scott Scanlan (1). (Attachments: # <u>1</u> affidavit) (pll) [4:21-mj-00392-SHL] (Entered: 06/29/2021)
07/02/2021		Arrest of Andrew Scott Scanlan. (kmp) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>3</u>	TEXT ORDER as to Andrew Scott Scanlan. Initial Appearance set for 7/2/2021 at 01:30 PM in Des Moines – Room 455 – 4th Floor South before Chief Magistrate Judge Helen C. Adams. Signed by Chief Magistrate Judge Helen C. Adams on 7/2/2021. (k) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>4</u>	Minute Entry for proceedings held before Chief Magistrate Judge Helen C. Adams: Initial Appearance as to Defendant Andrew Scott Scanlan held on 7/2/2021. Attorney Melanie S. Keiper for defendant. (Court Reporter FTR Gold.) (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>5</u>	CJA 23 Financial Affidavit as to Andrew Scott Scanlan. (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>6</u>	ORDER FOR APPOINTMENT OF COUNSEL as to Andrew Scott Scanlan. Signed by Chief Magistrate Judge Helen C. Adams on 7/2/2021. (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>7</u>	RULE 5 ORDER as to Andrew Scott Scanlan. Signed by Chief Magistrate Judge Helen C. Adams on 7/2/2021. (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>8</u>	ORAL MOTION for Detention by USA as to Andrew Scott Scanlan. (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/02/2021	<u>9</u>	ORDER OF DETENTION PENDING TRIAL and granting 8 Motion for Detention as to Andrew Scott Scanlan (1). Signed by Chief Magistrate Judge Helen C. Adams on 7/2/2021. (mm) [4:21-mj-00392-SHL] (Entered: 07/02/2021)
07/06/2021	<u>10</u>	Warrant of Arrest Returned Executed on 7/2/2021 in case as to Andrew Scott Scanlan. (mm) [4:21-mj-00392-SHL] (Entered: 07/06/2021)
07/07/2021	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: FPD Andrew James Graeve appearing for Andrew Scott Scanlan (Graeve, Andrew) [4:21-mj-00392-SHL] (Entered: 07/07/2021)
07/08/2021	<u>12</u>	Bail/Bond Report (Sealed) as to Andrew Scott Scanlan. (Davidson, Priscilla) [4:21-mj-00392-SHL] (Entered: 07/08/2021)
07/19/2021		Judge update in case as to Andrew Scott Scanlan. Senior Judge James E. Gritzner and Chief Magistrate Judge Helen C. Adams added. (mm) (Entered: 07/19/2021)
07/21/2021		Case unsealed as to Andrew Scott Scanlan. (mrc) (Entered: 07/21/2021)
07/21/2021	<u>13</u>	SEALED INDICTMENT as to Andrew Scott Scanlan (1) count(s) 1–3, 4, 5. (mrc) (Entered: 07/21/2021)
07/21/2021	<u>14</u>	REDACTED INDICTMENT by USA as to Andrew Scott Scanlan. (mrc) (Main Document 14 replaced on 7/21/2021 to include signature line.) (mrc). (Entered: 07/21/2021)

07/21/2021	15		TEXT Minute Entry for proceedings held before Magistrate Judge Stephen H. Locher: Grand Jury Presentment as to Andrew Scott Scanlan held on 7/21/2021. Not Secret. Text Order to be issued. Government requested detention. AUSA present Margaret Anne Steindorf. CRD: pll. Time in Court 12:00 p.m. – 12:05 p.m. (mrc) (Entered: 07/21/2021)
07/22/2021	16		TEXT ORDER as to Andrew Scott Scanlan. Arraignment set for 7/26/2021 at 10:00 AM or as soon thereafter as can be reached in Des Moines – Room 455 – 4th Floor South – Video Proceeding before Chief Magistrate Judge Helen C. Adams. Defendant will be present via video from the Polk County Jail. Signed by Chief Magistrate Judge Helen C. Adams on 7/22/2021. (k) (Entered: 07/22/2021)
07/23/2021	<u>17</u>		PROPOSED Stipulated Discovery and Protective Order by USA as to Andrew Scott Scanlan. (Kerndt, Adam) (Entered: 07/23/2021)
07/23/2021	<u>18</u>		STIPULATED DISCOVERY AND PROTECTIVE ORDER as to Andrew Scott Scanlan. Signed by Chief Magistrate Judge Helen C. Adams on 7/23/2021. (k) (Entered: 07/23/2021)
07/26/2021	<u>19</u>		Minute Entry for proceedings held before Chief Magistrate Judge Helen C. Adams: Arraignment as to Andrew Scott Scanlan (1) Counts 1–3, 4 and 5 held on 7/26/2021. (Court Reporter FTR Gold.) (kmp) (Entered: 07/26/2021)
07/26/2021	20		TEXT ORDER SETTING TRIAL as to Andrew Scott Scanlan: Jury Trial set for 9/27/2021 at 09:00 AM in Des Moines – Room 265 – 2nd Floor before Senior Judge James E. Gritzner. Discovery Deadline 8/5/2021. Reciprocal Discovery due by 8/16/2021. Pretrial Motion Deadline 9/7/2021. Plea Entry due by 9/13/2021. Signed by Chief Magistrate Judge Helen C. Adams on 7/26/2021. (kmp) (Entered: 07/26/2021)
08/17/2021	<u>21</u>		SEALED SUPERSEDING INDICTMENT as to Andrew Scott Scanlan (1) count(s) 1s–3s, 4s, 5s, and 6s. (mm) (Entered: 08/17/2021)
08/17/2021	<u>22</u>		REDACTED SUPERSEDING INDICTMENT by USA as to Andrew Scott Scanlan. (mm) (Entered: 08/17/2021)
08/17/2021	23		TEXT Minute Entry for proceedings held before Magistrate Judge Stephen H. Locher: Grand Jury Presentment as to Andrew Scott Scanlan held on 8/17/2021. Not Secret. Text Order to be issued. Government requested detention. AUSA present Debra L. Scorpiniti. CRD: mrc. Time in Court 11:16 a.m. – 11:22 a.m. (mm) (Entered: 08/17/2021)
08/19/2021	24		TEXT ORDER as to Andrew Scott Scanlan. Arraignment on Superseding Indictment set for 8/24/2021 at 3:45 PM in Des Moines – Room 455 – 4th Floor South – Video Proceeding before Magistrate Judge Stephen H. Locher. Pursuant to Fed. R. Crim. P. 10(b), Defendant may waive personal appearance at the Arraignment on Superseding Indictment in writing, attesting that Defendant has received a copy of the Superseding Indictment and requesting entry of a plea of not guilty. If Defendant wishes to waive personal appearance, counsel should file the written waiver as soon as possible. If Defendant waives personal appearance, the Arraignment on Superseding Indictment will be held with counsel only and may be conducted by telephone as set forth by later Court Order. Signed by Magistrate Judge Stephen H. Locher on 8/19/2021. (lcw) (Entered: 08/19/2021)

08/19/2021	<u>25</u>	WAIVER of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Andrew Scott Scanlan (Graeve, Andrew) (Entered: 08/19/2021)
08/19/2021	26	TEXT ORDER Accepting <u>25</u> Written Waiver of Personal Appearance at Arraignment on Superseding Indictment as to Andrew Scott Scanlan. The request is granted, Defendant's waiver of appearance is accepted, and a plea of not guilty to the Superseding Indictment is entered for Defendant. Defendant does not need to appear personally. Counsel shall appear at the time and date scheduled for the Arraignment on Superseding Indictment. Counsel for Defendant may appear by phone; counsel shall call 1-877-336-1839 and enter code 3234426 to participate. Signed by Magistrate Judge Stephen H. Locher on 8/19/2021. (lcw) (Entered: 08/19/2021)
08/23/2021	<u>27</u>	NOTICE of Superseding Indictment per LR 7.1 as to Andrew Scott Scanlan (Kerndt, Adam) (Entered: 08/23/2021)
08/24/2021	<u>28</u>	Minute Entry for proceedings held before Magistrate Judge Stephen H. Locher: Arraignment as to Andrew Scott Scanlan (1) Counts 1s-3s, 4s, 5s and 6s held on 8/24/2021. (Court Reporter FTR Gold.) (kmp) (Entered: 08/24/2021)
09/07/2021	<u>29</u>	Unresisted MOTION to Continue Trial and Pretrial Motion Deadlines as to Andrew Scott Scanlan. (Graeve, Andrew) (Entered: 09/07/2021)
09/07/2021	30	TEXT ORDER granting <u>29</u> unresisted motion to continue trial as to Andrew Scott Scanlan. Trial is hereby rescheduled to commence at 9:00 a.m. on 2/7/2022; pretrial motions shall be filed by 1/7/2022; plea entry due by 1/24/2022. The Court finds the ends of justice served by delaying the trial outweigh the best interests of the public and Defendant in a speedy trial; further, a failure to grant a continuance will deny reasonable time necessary for adequate preparation for trial, even with the exercise of due diligence by the parties (18 U.S.C. § 3161(h)(7)(B)(iv)). Signed by Senior Judge James E. Gritzner on 9/7/2021. (nlh) (Entered: 09/07/2021)
11/01/2021	33	TEXT ORDER SETTING CHANGE OF PLEA PROCEEDING as to Andrew Scott Scanlan. Change of Plea Hearing set for 11/4/2021 at 02:15 PM in Des Moines – Room 455 – 4th Floor South before Magistrate Judge Ross A Walters(R). Signed by Magistrate Judge Ross A Walters(R) on 11/1/2021. (k) (Entered: 11/01/2021)
11/04/2021	<u>34</u>	Minute Entry for proceedings held before Magistrate Judge Ross A Walters(R): Change of Plea Hearing as to Andrew Scott Scanlan held on 11/4/2021. Sentencing set for 3/10/2022 at 10:00 AM in Des Moines – Room 265 – 2nd Floor before Senior Judge James E. Gritzner. (Court Reporter Chelsey Wheeler.) (pll) (Entered: 11/04/2021)
11/04/2021	<u>35</u>	NOTICE AND CONSENT RE ENTRY OF PLEA OF GUILTY as to Andrew Scott Scanlan. (pll) (Entered: 11/04/2021)
11/04/2021	<u>36</u>	PLEA AGREEMENT as to Andrew Scott Scanlan. (pll) (Entered: 11/04/2021)
11/04/2021	<u>37</u>	REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY as to Andrew Scott Scanlan by Magistrate Judge Ross A Walters(R). Objections to R&R due by 11/18/2021. Signed by Magistrate Judge Ross A Walters(R) on 11/4/2021. (pll) (Entered: 11/04/2021)
11/04/2021	<u>38</u>	

		ORDER for Presentence Investigation and Submission of Sentencing Materials as to Andrew Scott Scanlan. <i>See order for particulars.</i> Signed by Senior Judge James E. Gritzner on 11/4/2021. (nlh) (Entered: 11/04/2021)
11/29/2021	<u>39</u>	TEXT ORDER adopting Report and Recommendations re <u>37</u> Plea of Guilty as to Andrew Scott Scanlan (1). There has been no timely objection to the Report and Recommendation of the United States Magistrate Judge recommending that the guilty plea be accepted. Therefore, pursuant to the provisions of 28 U.S.C. § 636(b)(1), Defendant's plea of 11/4/2021 is now accepted. Signed by Senior Judge James E. Gritzner on 11/29/2021. (nlh) (Entered: 11/29/2021)
01/03/2022	<u>40</u>	PRESENTENCE INVESTIGATION REPORT DRAFT (Sealed) as to Andrew Scott Scanlan (Attachments: # <u>1</u> DEFENSE First Letters, # <u>2</u> GOVT First Letters)(Peterson, Laura) (Entered: 01/03/2022)
01/04/2022	<u>41</u>	NO OBJECTION TO PRESENTENCE INVESTIGATION REPORT (SEALED) <u>40</u> as to Andrew Scott Scanlan. (Kerndt, Adam) (Entered: 01/04/2022)
01/18/2022	<u>42</u>	Unresisted MOTION for Extension of Time to File PSR Objections as to Andrew Scott Scanlan. Motions referred to Helen C. Adams. Responses due by 1/25/2022. (Graeve, Andrew) (Entered: 01/18/2022)
01/18/2022	<u>43</u>	TEXT ORDER granting <u>42</u> Motion for Extension of Time to File PSR Objections as to Andrew Scott Scanlan. Defendant may have to and including 2/1/2022 to file objections to the PSR. Signed by Chief Magistrate Judge Helen C. Adams on 1/18/2022. (k) (Entered: 01/18/2022)
01/31/2022	<u>44</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT (SEALED) <u>40</u> as to Andrew Scott Scanlan. (Graeve, Andrew) (Entered: 01/31/2022)
02/25/2022	<u>45</u>	Preliminary MOTION for Forfeiture of Property by USA as to Andrew Scott Scanlan. Responses due by 3/4/2022. (Attachments: # <u>1</u> Text of Proposed Order)(Gaumer, Craig) (Entered: 02/25/2022)
02/28/2022	<u>46</u>	ORDER granting <u>45</u> Preliminary Motion for Forfeiture of Property as to Andrew Scott Scanlan. <i>See Order for particulars.</i> Signed by Senior Judge James E. Gritzner on 2/28/2022. (NMK) (Entered: 02/28/2022)
03/01/2022	<u>47</u>	MOTION for Leave to File under Seal as to Andrew Scott Scanlan. Motions referred to Helen C. Adams. (Graeve, Andrew) (Entered: 03/01/2022)
03/01/2022	<u>48</u>	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Andrew Scott Scanlan (Hauf, Kari) (Entered: 03/01/2022)
03/01/2022	<u>49</u>	TEXT ORDER granting <u>47</u> Motion for Leave to File under Seal as to Andrew Scott Scanlan. Defendant may file the sentencing memorandum and exhibit as sealed documents. Signed by Chief Magistrate Judge Helen C. Adams on 3/1/2022. (k) (Entered: 03/01/2022)
03/03/2022	<u>50</u>	*SEALED* SENTENCING MEMORANDUM/BRIEF by Andrew Scott Scanlan (Attachments: # <u>1</u> Exhibit A)(Graeve, Andrew) (Entered: 03/03/2022)
03/03/2022	<u>51</u>	SENTENCING MEMORANDUM/BRIEF by USA as to Andrew Scott Scanlan (Kerndt, Adam) (Entered: 03/03/2022)
03/10/2022	<u>52</u>	

		Minute Entry for proceedings held before Senior Judge James E. Gritzner: Sentencing held on 3/10/2022 for Andrew Scott Scanlan (1). Counts 1–3, 4, 5: Superseded. Count 2s–3s: 360–month terms of imprisonment as to each Counts 2s and 3s, to be served consecutively to each other and consecutively to the term of imprisonment imposed on Count 6; 10–year terms of Supervised Release as to each Counts 2s and 3s, to be served concurrently to each other and concurrently to the term of Supervised Release imposed on Count 6s; \$100 special assessment as to each Counts 2s and 3s. Count 6s: 120–month term of imprisonment to be served consecutively to the terms of imprisonment imposed on Count 2s and 3s; 3–year term of Supervised Release to be served concurrently to the terms of Supervised Release imposed on Counts 2s and 3s; \$100 special assessment. Count 1s, 4s, 5s: Dismissed on Government's motion. <i>See attached minute entry for particulars.</i> Time in Court: 25 minutes. (Court Reporter Kelli Mulcahy.) (cmm) (Entered: 03/10/2022)
03/10/2022	<u>53</u>	JUDGMENT IN A CRIMINAL CASE as to Andrew Scott Scanlan (1). Count 1–3, 4, 5: Superseded. Counts 2s–3s: 360–month terms of imprisonment as to each Counts 2s and 3s, to be served consecutively to each other and consecutively to the term of imprisonment imposed on Count 6; 10–year terms of Supervised Release as to each Counts 2s and 3s, to be served concurrently to each other and concurrently to the term of Supervised Release imposed on Count 6s; \$100 special assessment as to each Counts 2s and 3s. Count 6s: 120–month term of imprisonment to be served consecutively to the terms of imprisonment imposed on Count 2s and 3s; 3–year term of Supervised Release to be served concurrently to the terms of Supervised Release imposed on Counts 2s and 3s; \$100 special assessment. Count 1s, 4s, 5s: Dismissed on Government's motion. Signed by Senior Judge James E. Gritzner on 3/10/2022. (cmm) (Entered: 03/10/2022)
03/10/2022	<u>54</u>	Sealed Judgment as to Andrew Scott Scanlan. (cmm) (Entered: 03/10/2022)
03/10/2022	<u>55</u>	Sealed Victim List as to Andrew Scott Scanlan. (cmm) (Entered: 03/10/2022)
03/23/2022	<u>56</u>	NOTICE OF APPEAL by Andrew Scott Scanlan re <u>53</u> Judgment,... Fee paid in the amount of \$0.00. (Attachments: # <u>1</u> Supplement)(Graeve, Andrew) Modified on 3/23/2022 (bp – Correct fee status). (Entered: 03/23/2022)
03/23/2022	<u>57</u>	NOTIFICATION OF APPEAL and NOA Supplement by District Court Clerk to USCA as to Andrew Scott Scanlan re <u>56</u> Notice of Appeal – Final Judgment filed on 3/23/2022. (sml) (Entered: 03/23/2022)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW SCOTT SCANLAN,

Defendant.

4:21-cr-00110-JEG-HCA

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY
(PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11. The defendant entered a plea of guilty to Counts 2 and 3 of the Superseding Indictment which charged him with production of pornography in violation of 18 U.S.C. §§ 2251(a) and (e), and to Count 6 of the Superseding Indictment which charged him with offense by a registered sex offender in violation of 18 U.S.C. § 2260A. Defendant also agreed to forfeiture of a black LG VS996 cellular telephone containing an Adata 64gb microSDcard within. After cautioning and examining the defendant under oath concerning each of the subjects addressed in Rule 11, I determined that the guilty pleas were in their entirety voluntarily, knowingly, and intelligently made and did not result from force, threats, or promises. I further determined that there is a factual basis for the guilty pleas on each of the essential elements of the offenses in question. A plea agreement was disclosed at the plea proceeding and defendant stated he understood its terms and agreed to be bound by them. To the extent the plea agreement is of the type specified in Rule 11(c)(1)(A) or (C) defendant was advised the district judge to whom the case is assigned may accept the plea agreement, reject it, or defer a decision whether to accept or reject it until the judge

has reviewed the presentence report as provided by Rule 11(c)(3)(A). To the extent the plea agreement is of the type specified in Rule 11(c)(1)(B) defendant was advised by the Court that defendant has no right to withdraw the plea if the Court does not follow a recommendation or request in question.

I recommend that the pleas of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. A presentence report will be ordered and sentencing proceedings scheduled.

Date: 11/4/21



ROSS A. WALTERS
U.S. MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

MIME-Version:1.0
From:cmech_iasd@iasd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Andrew James Graeve (andrew_graeve@fd.org, theresa_mcclure@fd.org, valarie_gall@fd.org), Adam J. Kerndt (adam.kerndt@usdoj.gov, carla.ralph@usdoj.gov, caseview.ecf@usdoj.gov, dawn.thomas@usdoj.gov, hillary.kruse@usdoj.gov, madison.lancaster@usdoj.gov, usaias.necriminal@usdoj.gov), Chief Magistrate Judge Helen C. Adams (iasdchmbhca@iasd.uscourts.gov), Senior Judge James E. Gritzner (iasdchmbjeg@iasd.uscourts.gov, nancy_harris@iasd.uscourts.gov, nathan_kooker@iasd.uscourts.gov)
--Non Case Participants: Connor R Perry (connor_perry@iasp.uscourts.gov), Craig P. Gaumer (usaias.forfeitureusa@usdoj.gov)
--No Notice Sent:

Message-Id:3335636@iasd.uscourts.gov
Subject:Activity in Case 4:21-cr-00110-JEG-HCA USA v. Scanlan Order on Report and Recommendation on Plea of Guilty
Content-Type: text/html

U.S. District Court

Southern District of Iowa

Notice of Electronic Filing

The following transaction was entered on 11/29/2021 at 2:26 PM CST and filed on 11/29/2021

Case Name: USA v. Scanlan
Case Number: 4:21-cr-00110-JEG-HCA
Filer:
Document Number: 39

Docket Text:

TEXT ORDER adopting Report and Recommendations re [37] Plea of Guilty as to Andrew Scott Scanlan (1). There has been no timely objection to the Report and Recommendation of the United States Magistrate Judge recommending that the guilty plea be accepted. Therefore, pursuant to the provisions of 28 U.S.C. § 636(b)(1), Defendant's plea of 11/4/2021 is now accepted. Signed by Senior Judge James E. Gritzner on 11/29/2021. (nlh)

4:21-cr-00110-JEG-HCA-1 Notice has been electronically mailed to:

Adam J. Kerndt dawn.thomas@usdoj.gov, caseview.ecf@usdoj.gov, madison.lancaster@usdoj.gov, adam.kerndt@usdoj.gov, hillary.kruse@usdoj.gov, usaias.necriminal@usdoj.gov, carla.ralph@usdoj.gov

Andrew James Graeve valarie_gall@fd.org, theresa_mcclure@fd.org, andrew_graeve@fd.org

4:21-cr-00110-JEG-HCA-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA

v.

ANDREW SCOTT SCANLAN

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:21-cr-00110-001

USM Number: 53467-509

Andrew James Graeve
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Two, Three, and Six of the Superseding Indictment filed on August 17, 2021.

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section ?	Nature of Offense	Offense Ended	Count
18 U.S.C. § 2251(a), 2251(e)	Production of Child Pornography	01/07/2021	2
18 U.S.C. § 2251(a), 2251(e)	Production of Child Pornography	01/21/2021	3
18 U.S.C. § 2260A	Offense by a Registered Sex Offender	01/21/2021	6

☐ See additional count(s) on page 2

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☒ Count(s) 1, 4, and 5 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 10, 2022

Date of Imposition of Judgment

Signature of Judge

James E. Gritzner, Senior U.S. District Judge

Name of Judge

Title of Judge

March 10, 2022

Date

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

840 months, consisting of 360 months as to each of Counts Two and Three, to be served consecutive to each other, and 120 months as to Count Six of the Superseding Indictment filed on August 17, 2021, to be served consecutive to all other counts.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____ on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

Ten years as to Counts Two and Three and three years as to Count Six of the Superseding Indictment filed on August 17, 2021, to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

Judgment Page: 5 of 8

SPECIAL CONDITIONS OF SUPERVISION

You must participate and follow the rules of a sex offense-specific treatment program, as directed by the U.S. Probation Officer. Participation may include inpatient/outpatient treatment and/or compliance with a medication regimen. You must contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment. Sex offense-specific treatment shall be conducted by therapists approved by the U.S. Probation Office, who shall release all reports to the U.S. Probation Office.

You must submit to periodic polygraph testing, as directed by the U.S. Probation Office, to ensure that you are in compliance with the requirements of your supervision or treatment program. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment. Polygraph testing will be conducted by polygraph examiners approved by the U.S. Probation Office, who will release all reports to the U.S. Probation Office. The results of polygraph examinations will not be used for the purpose of revocation of supervised release or probation. As used in this paragraph, “the results” that will not be used in a revocation hearing are the polygraph examiner’s ultimate opinions or findings regarding whether deception or a significant response has been detected during the examination. Any statements made by you during the polygraph examination during pre-examination or post-examination interview(s) may be used in any manner, including to generate separate leads or investigations, at a revocation hearing. Failure to answer questions during the polygraph examination may be grounds for revocation, unless you choose not to answer any questions perceived or deemed incriminating, which may then be referred to the Court for resolution.

You must refrain from associating with anyone engaged in the exploitation of minors whether known or unknown to local, state, or federal law enforcement.

You must not go to, or remain at, any place for the primary purpose of observing children under the age of 18, or any place where you know children under the age of 18 are likely to be, including parks, schools, and playgrounds, without the prior approval of the U.S. Probation Officer.

You must not have any direct contact (personal, electronic, mail, or otherwise) with any child you know or reasonably should know to be under the age of 18, including in employment, without the prior approval of the U.S. Probation Officer. If contact is approved, you must comply with any conditions or limitations on this contact, as set forth by the U.S. Probation Officer. Any unapproved direct contact must be reported to the U.S. Probation Officer within 24 hours. Direct contact does not include incidental contact during ordinary daily activities in public places.

You must not contact the victim(s), nor the victim's family without prior permission from the U.S. Probation Officer.

You must not view or possess any “visual depiction” (as defined in 18 U.S.C. § 2256), including any photograph, artwork, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined in 18 U.S.C. § 2256). You must not correspond with anyone in the business of providing such material or enter adult entertainment venues where sexually explicit conduct is the primary product(s) for purchase or viewing.

You must not access the internet or possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)), internet capable devices, cellular telephones, and other electronic communications or data storage devices or media without the prior approval of the U.S. Probation Officer. If computer or internet use for employment is approved by the U.S. Probation Officer, you must permit third party disclosure to any employer or potential employer concerning any computer/internet related restrictions that are imposed upon you.

If approved by the U.S. Probation Officer to use or possess computers (as defined in 18 U.S.C. § 1030(e)(1)), internet capable devices, cellular telephones, and other electronic communications or data storage devices or media, you must submit your devices to unannounced examinations/searches, and possible removal for a more thorough inspection. You must allow the installation of monitoring hardware and software on such equipment, abide by and cooperate in supplemental conditions of monitoring, and pay the costs associated with this service, as directed by the U.S. Probation Officer. You must notify third parties who use these devices that the devices are subject to monitoring and/or unannounced examinations.

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

ADDITIONAL SPECIAL CONDITIONS OF SUPERVISION

You must comply with all sex offender laws for the state in which you reside and must register with the local sheriff's office within the applicable time frame.

You must not apply for, solicit, or incur any further debt, included but not limited to loans, lines of credit, or credit card charges, either as a principal or cosigner, as an individual, or through any corporate entity, without first obtaining written permission from the U.S. Probation Officer.

You must provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

You must pay restitution in the amount of \$6,000.00. You will cooperate with the U.S. Probation Officer in developing a monthly payment plan consistent with a schedule of allowable expenses provided by the U.S. Probation Office. You may be required to participate in an IRS Offset Program and/or Treasury Offset Program which may include the garnishment of wages or seizure of all or part of any income tax refund and/or any government payment to be applied toward the restitution balance.

You must participate in a program of testing and/or treatment for substance abuse, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Office. At the direction of the probation office, you must receive a substance abuse evaluation and participate in inpatient and/or outpatient treatment, as recommended. Participation may also include compliance with a medication regimen. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment. You must not use alcohol and/or other intoxicants during the course of supervision.

You will submit to a search of your person, property, residence, adjacent structures, office, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), and other electronic communications or data storage devices or media, conducted by a U.S. Probation Officer. Failure to submit to a search may be grounds for revocation. You must warn any other residents or occupants that the premises and/or vehicle may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your release and/or that the area(s) or item(s) to be searched contain evidence of this violation or contain contraband. Any search must be conducted at a reasonable time and in a reasonable manner. This condition may be invoked with or without the assistance of law enforcement, including the U.S. Marshals Service.

You must submit to a mental health evaluation. If treatment is recommended, you must participate in an approved treatment program and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment and/or compliance with a medication regimen. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

- ☐ Pursuant to 18 U.S.C. § 3573, upon the motion of the government, the Court hereby remits the defendant's Special Penalty Assessment; the fee is waived and no payment is required.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 300.00	\$6,000.00	\$ 0.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See Sealed Victim List		\$6,000.00	
TOTALS		\$0.00	\$6,000.00

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the ☐ fine ☒ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANDREW SCOTT SCANLAN
CASE NUMBER: 4:21-cr-00110-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 6,300.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary payments are to be made to the Clerk's Office, U.S. District Court, P.O. Box 9344, Des Moines, IA. 50306-9344.

While on supervised release, you shall cooperate with the Probation Officer in developing a monthly payment plan consistent with a schedule of allowable expenses provided by the Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number

Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

A black LG VS996 cellular telephone containing an Adata 64gb microSD card within, as outlined in the Preliminary Order of Forfeiture entered on February 28, 2022.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

NOTICE OF APPEAL

Date: _____ Case No: _____

Case Caption: _____

Notice is hereby given that _____ appeals to the:

US Court of Appeals for the Eighth Circuit

IASD District Court Judge

from the Judgment/Order entered in this action on _____.

Transcript Order Form:

Please prepare a transcript of:

Plea Hearing

Sentencing

Trial

Other Hearing(s) on _____

I am not ordering a transcript because: _____

***Reminder: CJA counsel will need to complete the AUTH 24 form in CJA eVoucher.**

CERTIFICATE OF COMPLIANCE

Appellant hereby certifies that copies of this notice of appeal/transcript order form have been filed/served upon the U.S. District Court, court reporter, and all counsel of record and that satisfactory arrangement for payment of the cost(s) of transcript(s) ordered have been made with the court reporter (Fed Rule App Proc 10(b)).

Attorney/Party Signature: _____ Date: _____

Address: _____

Phone Number: _____

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

Notice of Appeal Supplement

Case Name: _____ vs. _____

District Court Case Number: _____

Appeal Fee (505.00) Status: Pd ____ IFP ____ Pending ____ Government Appeal ____

Counsel: Appointed ____ CJA ____ Retained ____ Pro Se ____ Pro Bono ____ FPD ____

***Reminder: CJA appointed counsel will need to complete their AUTH 24 form thru CJA eVoucher.**

Appeal filed by: Counsel ____ Pro Se ____

Any reason why counsel should not be appointed: _____

Certificate of Appealability: Denied ____ Granted ____ Not Issue ____

Pending post Judgment motions: Yes ____ No ____

If so, type of motion(s) and docket entry number:

High Public Interest Case: Yes ____ No ____

Simultaneous Opinion release Requested: Yes ____ No ____

Trial Held: Bench ____ Jury ____ No ____

Court Reporter: Yes ____ No ____

Reporter's Name: _____

Appealing: Order prior to final judgment ____ or final judgment ____

File this form with the Notice of Appeal

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

Notice of Appeal Supplement

Case Name: _____ vs. _____

District Court Case Number: _____

Appeal Fee (505.00) Status: Pd ____ IFP ____ Pending ____ Government Appeal ____

Counsel: Appointed ____ CJA ____ Retained ____ Pro Se ____ Pro Bono ____ FPD ____

***Reminder: CJA appointed counsel will need to complete their AUTH 24 form thru CJA eVoucher.**

Appeal filed by: Counsel ____ Pro Se ____

Any reason why counsel should not be appointed: _____

Certificate of Appealability: Denied ____ Granted ____ Not Issue ____

Pending post Judgment motions: Yes ____ No ____

If so, type of motion(s) and docket entry number:

High Public Interest Case: Yes ____ No ____

Simultaneous Opinion release Requested: Yes ____ No ____

Trial Held: Bench ____ Jury ____ No ____

Court Reporter: Yes ____ No ____

Reporter's Name: _____

Appealing: Order prior to final judgment ____ or final judgment ____

File this form with the Notice of Appeal